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## UNITED STATES DISTRICT COURT DISTRICT OF NEVADA

United States of America,

Respondent-Plaintiff,

V.

Brian Fierro,

Petitioner-Defendant.

Case No. 2:09-cr-00240-KJD-PAL-1

Findings of Fact and Order

## FINDINGS OF FACT

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

- 1. Counsel for the Petitioner needs additional time to adequately prepare the supplemental brief requested of the parties by the Court.
- 2. Counsel for Petitioner needs additional time, pursuant to this Court's General Order 2019-06 (D. Nev. Sept. 27, 2019), to seek to amend Petitioner's pending 28 U.S.C. § 2255 motion relative to claims he may under *Rehaif v. United States*, 139 S. Ct. 2191 (2019). Judicial efficiency would be served by considering the supplemental brief in conjunction with any amended petition that may be filed.
- 2. The parties agree to the continuance of the supplemental briefing deadlines set forth herein.
- 3. This is the first stipulation to continue the supplemental briefing deadlines.

## **ORDER**

It is therefore ordered that the Petitioner's Supplemental Brief in Support of his § 2255 Motion is due by November 18, 2019, and the Government's Supplemental Brief is due by December 18, 2019, with both Petitioner's and the Government's Supplemental Briefs squarely addressing under which prong Petitioner was convicted or sentenced under; and the Petitioner's Reply is due within 14 days of the filing of the Government's Supplemental Brief, and is to directly address the Government's arguments.

Dated: October 22\_, 2019.

UNITED STATES DISTRICT JUDGE